

REMARKS/ARGUMENTS

Claims 3, 7 and 11-25 are pending. By this Amendment, claims 3, 11, 12 and 14 are amended, and claims 4 and 8-10 are canceled. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

At the outset, Applicant appreciates the indication of allowable subject matter on pages 8 and 9 of the Office Action. During a telephone interview conducted on April 23, the Examiner tentatively agreed, subject to an updated search, that an amendment to claim 3 linking the movement of the donor electrode to an expandable balloon would distinguish over the applied prior art of record. Applicant appreciates the courtesies extended by Examiner Koharski during the April 23 telephone interview. By this Amendment, claim 3 is amended to specify that the donor electrode is movable in a substantially radial direction in accordance with movement of an expandable balloon, thereby allowing the drug reservoir or transfer part to make intimate contact with the dura mater. Claims 8-10 have been canceled as a result, and minor adjustments have been made to claims 11, 12 and 14 for antecedent basis. The only other independent claim (4) has been canceled.

In view of the above amendments and remarks, Applicant respectfully submits that claim 3 and its dependent claims are allowable, and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4230-7.


Lerner
Appl. No. 10/687,816
May 4, 2009

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Paul T. Bowen
Reg. No. 38,009

PTB:jck
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100